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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/092,006      | 03/06/2002  | Naoto Watanabe       | CANO:044            | 7580             |
| 7590            | 04/08/2005  |                      | EXAMINER            |                  |
|                 |             |                      | KHATRI, ANIL        |                  |
|                 |             |                      | ART UNIT            | PAPER NUMBER     |
|                 |             |                      | 2193                |                  |

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                |                         |  |
|------------------------------|--------------------------------|-------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b>         | <b>Applicant(s)</b>     |  |
|                              | 10/092,006                     | WATANABE ET AL.         |  |
|                              | <b>Examiner</b><br>Anil Khatri | <b>Art Unit</b><br>2193 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06 March 2002.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-31 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-31 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1.) Certified copies of the priority documents have been received.  
 2.) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/5/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by *Namikawa USPN 6,094,698*.

Regarding claims 1, 6, 8, 10, 11, 16, 18, 20-21, 25-27, 30 and 31

*Namikawa teaches,*

first CPU that has operation thereof controlled by a first control program (figure 1);  
second CPU that has operation thereof controlled by a second control program (figure 1);  
first storage means capable of storing the first control program, the second control  
program, and a write control program (figures 1 and 3, column 2, lines 6-25);  
second storage means capable of storing the second control program (column 2, lines 6-  
25); and

write control means apparatus is switched the second control program is written to said  
second storage means, for executing write control comprising transferring the write control  
program said second CPU, and causing said second CPU to write the second operable when a  
mode of the to a write control mode in which control program stored in said first storage means  
said second storage means (figures 1 and 3, column 2, lines 6-25 and lines 37-65)

Regarding claims 2, 12 and 22

*Namikawa teaches,*

write control means is operable when the mode of the apparatus switched to the write  
control mode, for transferring the write control program for executing a process of  
writing the second control program to said second storage means to a storage area accessible by  
said second CPU, and causing second CPU to execute the write control program to thereby the  
second control program stored in first storage to second storage (figures 1-4, column 9, lines 35-  
50).

Regarding claims 3 and 13

*Namikawa teaches,*

First storage means is removable from the program operating apparatus (figures 1, 3, 4, column 3, lines 16-26).

Regarding claims 4, 5, 14 and 15

*Namikawa teaches,*

Second storage means comprises a re-write able non-volatile storage medium (figures 1, 3, 4 column 13, lines 25-30).

Regarding claims 7, 9, 17, 19, 23, 24, 28 and 29

*Namikawa teaches,*

Which is applicable to an image forming apparatus for forming images on sheets (figure 2, column 5, lines 37-67 and column 6, lines 1-38).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri whose telephone number is 571-272-3725. The examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 571-272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANIL KHATRI  
PRIMARY EXAMINER